IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.467 OF 2004
IN
WRIT PETITION NO.1009 OF 2004

M/s.IMP Power Ltd.....Petitioner
Versus

Regional Provident Fund
Commissioner & Anr.....Respondents

Mr. Rajesh A. More, for the Petitioner
Ms. Veena Kumar, for the Respondents.

CORAM: F.I. REBELLO, J.
DATE : 24th September,2004

P.C.:

1. By the present Motion the petitioner prays for recalling the order dated 14th July, 2004. Pursuant to that order the petitioner was already preferred an Appeal which is pending before the Appellate Authority. That appeal cannot be heard as presently there is no Presiding Officer appointed to the Appellate Authority. Merely because of that the order of this Court cannot be recalled. At the highest the petitioner can be protected till such time the Presiding Officer is appointed.

2. By the same order of 14th July, 2004 after hearing the respondents this Court noted that a sum of Rs.2.00 lakhs have been deposited before this Court and that amount to be transferred by the Prothonotary & Senior Master to the 1st respondent. This Court further directed that the petitioners herein should move the Appellate Tribunal for an appropriate interim order and in the meantime continued the relief in terms of prayer clauses (b) and (d) for a period of six weeks from that date. That was further continued by order of

September, 3, 2004.

3. After hearing the learned Counsel and considering the fact that the Appellate Authority is not available the interim order granted by this Court on 14th July, 2004 and continued by order dated September 3, 2004 will continue till the Presiding Officer is appointed and for a period of six weeks thereafter to enable the petitioner herein to apply for interim reliefs before the Appellate Authority.

With the above observations Motion stands disposed of. No order as to costs.

(F.I. REBELLO, J.)